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April 20, 2005

VIA FACSIMILE AND REGULAR MAILDavid Lewis  
Bureau of Reclamation  
2800 Cottage Way, MP 730  
Sacramento, CA 95825Re: Comments on Municipal and Industrial Water Shortage Policy, Central Valley Project, California, Draft Environmental Assessment

Dear Mr. Lewis:

This letter is written on behalf of Byron-Bethany Irrigation District (BBID), formerly Plain View Water District (PVWD), in response to the draft Environmental Assessment (EA) on the Bureau of Reclamation's (Reclamation) Municipal and Industrial (M&I) Water Shortage Policy (Shortage Policy), Central Valley Project (CVP), California.

In November 2004, BBID wrote to William Luce, Area Manager, stating BBID's position that Reclamation contractually committed to define BBID's historic use of M&I water for purposes of applying the Shortage Policy to 800 acre-feet of water. This is the quantity of water assumed to have been converted from irrigation water to agricultural water during the term of the interim contract.

A decision by Reclamation to adopt any alternative shortage policy which would define BBID's historic use as less than 800 acre-feet constitutes a breach of the existing interim contract between BBID and Reclamation. BBID, therefore, encourages Reclamation to adopt a shortage policy based upon Alternative 1B.

BBID's specific comments regarding the draft EA are as follows:

1. Pages 3-4 - 3-5, Table 3-2: Table 3-2 does not provide sufficient information to evaluate the accuracy of the numbers included. BBID is in the process of negotiating an agreement with the City of Tracy wherein BBID will ultimately assign to the City over a period of years 12,000 acre-feet of water. According to the narrative provided in Chapter 4, at page 4-30, only a quantity of 9,500 acre-feet is assumed to be assigned to the City of Tracy. The information in Table 3-2 is inaccurate if it is based on the same assumptions made in Chapter 4.

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CODE	ACTION	SURNAME & DATE
730	copy to	4/22/05

Classification	ENV 6-00
Project	CVP
Control No.	3004653
Folder I.D.	61263

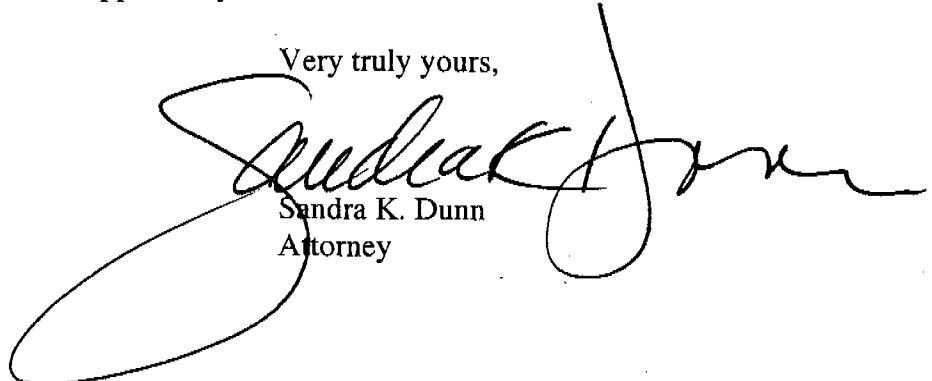
2. Page 4-30: The discussion in the first paragraph should be revised to reflect that BBID and PVWD have merged. PVWD no longer exists as a legal entity. The discussion should also be revised to reflect that BBID plans on assigning 12,000 acre-feet under its CVP water service contract to the City of Tracy.

3. Page 4-31: The public health and safety analysis for the City of Tracy is based only on its current CVP water service contract and does not reflect the assignments of CVP water that have been made by the Banta-Carbona Irrigation District and Westside Irrigation District or the proposed assignment of 12,000 acre-feet from BBID. This analysis is inconsistent with other evaluations of public health and safety allocations made for other contractors which are based on total CVP supplies, including assigned water. The public health and safety analysis for the study period should be premised upon the City of Tracy's total CVP water supply, not its current contract total.

4. The Affected Environment and Environmental Consequences, Chapter 5, should be reviewed to ensure that analysis was based upon the accurate quantities of water as set forth in these comments.

BBID appreciates the opportunity to review and comment on the draft EA.

Very truly yours,

  
Sandra K. Dunn  
Attorney

SKD:sb